

## **IC 8-2-15**

### **Chapter 15. Ferries – Licensing by Counties**

#### **IC 8-2-15-1**

##### **License; application; duration**

Sec. 1. No person, company or corporation shall be permitted to keep, have or maintain any public ferry across any stream running through or bounding on any county in this state, to and from any points without the limits of this state, without first having obtained a license from the board of commissioners of the proper county for that purpose. Such license shall continue in force for five (5) years, and application therefor must be in writing.

*(Formerly: Acts 1881(ss), c.52, s.1; Acts 1911, c.126, s.1.)*

#### **IC 8-2-15-2**

##### **License; publication of intention to establish**

Sec. 2. The board shall not grant a license to the applicant unless he shall produce satisfactory evidence to the court that he has set up in the township where the ferry is proposed to be kept and maintained written or printed notices in three (3) public places of his intention to apply to such board for a license to keep a ferry: Provided, There be a newspaper of general circulation published in the township where such ferry is to be kept, such notice may be given by publishing same in such newspaper not less than ten (10) days before the meeting of said board of commissioners.

*(Formerly: Acts 1881(ss), c.52, s.2; Acts 1911, c.126, s.2.)*

#### **IC 8-2-15-3**

##### **License; fee; operating interstate ferry**

Sec. 3. The board, upon being satisfied that the notice hereby required has been given and that a ferry is needed at such place and that the applicant is a suitable person, may grant to the applicant a license to keep and maintain the same for the term of five (5) years, on his paying to the county treasurer of the proper county as a license fee a sum to be fixed by the board, not less than two dollars (\$2.00), nor more than fifty dollars (\$50.00) per year, and said license fee may be paid in full for the five (5) years in advance or yearly in advance as said board may direct and order.

*(Formerly: Acts 1881(ss), c.52, s.3; Acts 1911, c.126, s.3.)*

#### **IC 8-2-15-4**

##### **Recognizance; licensee**

Sec. 4. Before such license shall be granted, the applicant shall produce the county treasurer's receipt for the sum so fixed, and shall also enter into a recognizance to the state of Indiana, in a penal sum to be fixed by such board, not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), with at least one (1) sufficient freehold surety, conditioned faithfully to keep and maintain such ferry with good and sufficient boats for the safe conveyance of persons and property, a sufficient number of hands to

work and manage such boats, together with sufficient implements and appliances for such ferry, during the several hours in each day, and at such rates of ferriage as the board granting the license shall from time to time order and direct, which recognizance shall be kept on file with the county auditor.

*(Formerly: Acts 1881(ss), c.52, s.4.)*

#### **IC 8-2-15-5**

##### **Mutual rights; landowners on both sides of stream**

Sec. 5. The person owning or possessing lands on both sides of any stream where a ferry is proposed to be established shall have the exclusive right of a license for a ferry at such place; and when the opposite banks are owned by different persons, the right to the ferry shall be mutual; but if the owner does not apply, the board shall grant a license to any person applying for the same; except where either of the landings is not on a public highway, the consent of the owner of the ground shall first be had in writing.

*(Formerly: Acts 1881(ss), c.52, s.5.)*

#### **IC 8-2-15-6**

##### **Temporary permit to operate during high water**

Sec. 6. Nothing herein contained shall be so construed as to prevent any person from ferrying passengers across a small stream in high water; and the board may authorize the auditor to give any person a permit for such purpose, when, in its opinion, the stream is too small to justify the expense of a license; any when any person applies for a renewal of his license at the same place where he kept and maintained a ferry during the preceding year, upon payment of the license fee and filing of a new recognizance, executed and conditioned as above provided, the license may be granted or renewed without notice or formal application in writing.

*(Formerly: Acts 1881(ss), c.52, s.6.)*

#### **IC 8-2-15-7**

##### **License; recordation fee**

Sec. 7. The auditor shall record each license; and for the issuing of a license, he shall receive from the applicant a fee of fifty cents (50 cents).

*(Formerly: Acts 1881(ss), c.52, s.7.)*

#### **IC 8-2-15-8**

##### **Number of boats; hours for operation**

Sec. 8. Each licensed ferry-keeper shall constantly keep a sufficient number of boats, if more than one (1) be required by the board of commissioners, and give due attendance to the transportation of all persons, with their property, who shall apply for the same, between daylight in the morning and dark in the evening, and at any hour of the night, if required, except in cases of evident danger, to all other persons requiring the same, on their tendering double the rate of ferriage allowed to be taken in the daytime; and

such board may require such ferry-keepers to keep such ferry open till midnight.

*(Formerly: Acts 1881(ss), c.52, s.8.)*

#### **IC 8-2-15-9**

##### **Banks of river or creek; ferry-keepers; jury duty; military duty**

Sec. 9. It shall be the duty of all persons, companies or corporations keeping, having, or maintaining any public ferries across any stream to and from any point within this state, to cause the banks of the river or creek to be dug sufficiently low and kept in good passable order for the passage of man and horse, wagons and other vehicles; and such ferry-keepers and persons employed in attendance at such ferry shall not be compelled to serve on juries or perform military duty.

*(Formerly: Acts 1881(ss), c.52, s.9.)*

#### **IC 8-2-15-10**

##### **Rates and charges; appeal**

Sec. 10. The rates of ferriage shall be fixed by the board of county commissioners at the time of licensing the ferry, and from time to time thereafter, as they shall think proper; and it shall be the duty of the auditor to furnish every applicant, on taking out a license to keep a ferry, with a list of the rates of ferriage, which list the ferry-keeper shall put up either at the door of his ferryhouse, or on his boats, or on some conspicuous place convenient to the ferry: Provided, That if any person be aggrieved by the establishing of such rates, he shall have the right to appeal to the circuit court of the proper county upon filing a bond within thirty (30) days (of) the fixing of the same by such board, payable to the state of Indiana, with security to be approved by the county auditor, and conditioned for the due prosecution of such appeal and the payment of all costs if judgment be rendered against such appellant, and the county auditor shall cause such bond, with a certified copy of the proceedings of said board and all of the original papers of the same, to be filed in the office of the clerk of the circuit court within twenty (20) days thereafter, and such cause shall be docketed for the ensuing term, and further proceedings had and judgment rendered therein as in other cases of appeal. And upon such appeal, the circuit court shall have the power to review such rates of ferriage and fix the same as may be just and proper.

*(Formerly: Acts 1881(ss), c.52, s.10; Acts 1897, c.73, s.1.)*

#### **IC 8-2-15-11**

##### **Discontinuance**

Sec. 11. If any ferry shall not be furnished with the necessary boats and ferrymen within six (6) months after the establishment thereof, or if the proprietor shall willfully neglect to attend to the same, or shall fail to comply with any of the requirements of the proper board of commissioners, such board, on complaint to them, shall cause the proprietor of such ferry to be summoned to show

cause, at the next meeting of the board, why such ferry shall not be discontinued; and such board shall vacate such ferry or dismiss such complaint, according to the testimony adduced, and may award costs against the complainant, if such complaint is dismissed, or against the proprietor, if the ferry be vacated.

*(Formerly: Acts 1881(ss), c.52, s.11.)*

#### **IC 8-2-15-12**

##### **Landings; obstruction**

Sec. 12. It shall not be lawful to obstruct, by steamboats, keelboats, flatboats, or otherwise, the landings of ferries established under this chapter, but such ferries shall be entitled to the exclusive use of the whole width of the routes leading thereto for all appropriate purposes.

*(Formerly: Acts 1881(ss), c.52, s.12.) As amended by P.L.59-1984, SEC.112.*

#### **IC 8-2-15-13**

##### **Operation without license or authorization**

Sec. 13. (a) A person who keeps, maintains, works, or runs a ferry without being licensed or authorized according to this chapter commits a Class C infraction.

(b) Each day of violation of subsection (a) of this section constitutes a separate offense.

*(Formerly: Acts 1881(ss), c.52, s.13.) As amended by Acts 1978, P.L.2, SEC.815.*

#### **IC 8-2-15-14**

##### **Violation of conditions of license**

Sec. 14. A person licensed under this chapter who does any act in violation of the conditions of his license commits a Class C infraction.

*(Formerly: Acts 1881(ss), c.52, s.14.) As amended by Acts 1978, P.L.2, SEC.816.*